UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexander J. Burke
Intellectual Property Department
5th Floor
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER
LUDWIG, MATTHEW J

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/725,154
Filing Date: December 01, 2003
Appellant(s): SINGLETON ET AL.

Alexander J. Burke
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 5, 2007 appealing from the Office action

mailed October 5, 2006.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the

examiner which may be related to, directly affect or be directly affected by or have a bearing on

the Board's decision in the pending appeal:

The Examiner is not aware of any other appeals or interferences that would bear on the board's

decision in this appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief

is correct. No amendments have been made after Final Rejection.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Grouping of Claims

The appellant's groupings of the rejected claims are listed in the appeal brief.

(8) Evidence Relied Upon

Marchal, B., "Applied XML Solutions, The Authoritative Solution," Sam's, 2000

Muench, S., "Building Oracle XML Applications," O'Reilly & Associates, 2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitation of a "text processing application compatible" document template is new matter, not found to have been taught or disclosed in the specification.

In the interest of compact prosecution, the application is further examined against the prior art, as stated below, upon the assumption that the applicants may overcome the above stated rejection under 35 U.S.C. 112, first paragraph.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marchal, B., "Applied XML Solutions, The Authoritative Solution," Sam's, 2000, [hereinafter "Marchal"], and further in view of Muench, S., "Building Oracle XML Applications," O'Reilly & Associates, 2000, [hereinafter "Muench"].

Regarding **independent claim 1**, Marchal in view of Muench teaches:

(See, See, Marchal, pages 71-102, particularly figures 3.8 and 3.11, teaching a document template with placeholders in data fields to be replaced with desired data items. The source code

for figure 3.8 is taught in listing 3.4, Marchal pages 82-84. The source code for figure 3.11 is taught in listing 3.5, Marchal pages 89-93.

Marchal also teaches a source of document generation control information supporting insertion of the desired data items from an information repository. See, Marchal, pages 71-102, particularly pages 73-84, teaching code to generate insertion of desired data into data fields. Marchal also teaches a document processor for applying the control information in replacing template document data field placeholder items with desired data items to produce a generated document. See, Marchal, pages 71-102, particularly pages 73-84, teaching code to generate insertion of desired data into data fields. See also, Marchal, figure 7.8 and pages 209-214.

Marchal does not explicitly teach a repetition identifier indicating data fields to be replicated to provide a group of data fields to be replaced by a plurality of said desired data items.

Muench teaches identification, control, and rendering data fields with duplicate or repetitious data. See, Muench, pages 375-387, teaching sorting a grouping repeating data, and pages 433-499, particularly pages 470-475, teaching managing and display of repeating data fields.

Marchal and Muench are in the same field of endeavor, creating and manipulating electronic forms creation and data insertion into electronic forms.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Marchal and Muench.

At the time the invention was made, it would have been obvious to one or ordinary skill in the art to combine the teachings of Marchal and Muench to create a form template that handles

repeating data items for the obvious and beneficial purpose of expanding a form template such

that it handles repeating data. The function of repeating data of Muench is merely an add-on

enhancement to the basic teachings of the form template of Marchal.)

Regarding **dependent claim 2**, Marchal in view of Muench teach:

(See, Marchal, pages 71-102, and see also, figures 7.7 and 7.8, and pages 208-214,

teaching the identification of data fields in the template document available to be replaced by

desired data items.)

Regarding **dependent claim 3**, Marchal in view of Muench teach:

(See, Marchal, pages 330-336, particularly 333-336, teaching the use of XPath to select

elements in a source XML document.)

Regarding **dependent claim 4, as amended**, Marchal in view of Muench teach:

(See, Marchal, pages 165-194, teaching tokenizing input files, which parses comma

delimited and flat files.)

Regarding **dependent claim 5**, Marchal in view of Muench teach:

(See, Marchal, pages 129-166, teaching conversion of XML document to RTF, inherently

including conversion of XML bookmarks and repetition identifiers to RTF.)

Regarding **dependent claim 6, as amended**, Marchal in view of Muench teach:

(See, Marchal, pages 129-166, teaching conversion of XML document to RTF.)

Regarding **dependent claim 7**, Marchal in view of Muench teach:

(See, Marchal, pages 329-333 teaching XSL attributes in XML templates. See also,

Marchal, pages 122-123, teaching use of XSL style sheets with an XML document.)

Regarding **dependent claim 8**, Marchal in view of Muench teach:

(See, Marchal, pages 103-127, teaching generation of the document in SGML, XML, and

HTML.)

Regarding **dependent claim 9**, Marchal in view of Muench teach:

(See, Marchal, page 168, and pages 329-336, teaching import of XML files through an

XSLT processor.)

Regarding **dependent claim 10**, Marchal in view of Muench teach:

(See, Marchal, pages 129-166, teaching XML and RTF file. See, also Marchal, pages

103-127, and 329-226 teaching generation of the document in XSL format.)

Regarding **dependent claim 11**, Marchal in view of Muench teach:

(See, Marchal, pages 168-194, teaching XML parsers. See also, Marchal, pages 129-166, and particularly 144-145, teaching XML document to RTF generation using XSL.)

Regarding **dependent claim 12**, Marchal in view of Muench teach:

(See, Marchal, pages 71-102, teaching links from information repositories to data fields containing placeholder items in a form template.)

Regarding **independent claim 13, as amended:**

Claim 13 incorporate substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale. The image generator is implicitly shown by the images generated and taught in Marchal, figures 3.7-3.13,and page 71-102.

Regarding **independent claim 14, as amended:**

Claim 14 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

Regarding **independent claim 15, as amended:**

Claim 15 incorporates substantially similar subject matter as claimed in claim 1 and is rejected along the same rationale.

Regarding **independent claim 16:**

Claim 16 incorporates substantially similar subject matter as claimed in claim 7 and, in further consideration of the following, is rejected along the same rationale.

It is noted that the term "merging" is not found to be defined or discussed in the specification. The Examiner believes the Applicants intended the term to be defined as was understood by one of ordinary skill in the art at the time of the invention, as follows: "To combine two or more items, such as list, in an ordered way and without changing the basic structure of either." See, "Microsoft Computer Dictionary," fifth edition, Microsoft Press, 2002, definition of "merge."

Merging parts of XSL compatible code is inherent in the use of XSL compatible code.

Regarding **dependent claim 17, as amended,** Marchal in view of Muench teach:

(See, Muench, pages 288-309, teaching creation and uses of multiple electronic document templates. See, Muench, pages 284-288, teaching multiple source data inputs.)

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

(10) Response to Arguments

In response to appellant's argument that there is sufficient evidence within the specification that would illustrate a 'text processing application compatible document template' as found within dependent claim 13, the Examiner disagrees with the arguments within the appellant's appeal brief. More specifically, figure 2 is a sample 'Rich Text Format Compatible Temple File'. The Examiner believes one of ordinary skill in the art would not assume, based upon the figure, that figure 2 is a representation of a 'text processing application compatible document template'. The application, as presently claimed, could be interpreted as an application (applet, API) or many other applications which have the ability to process text. The Examiner could not find a clear statement that would provide support for a 'text processing application compatible document template within the specification.

In response to appellant's argument that that the references "fail to show or suggest a source code representing a document template including, data fields containing placeholder items to be replaced by desired data items, and also including a repetition identifier indicating one of said data fields is to be replicated to provide a group of data fields to be replaced by a plurality of said desired data items." See, Remarks, page 7. The Examiner disagrees. See, Marchal, pages 71-102, particularly figures 3.8 and 3.11, teaching a document template with placeholders in data fields to be replaced with desired data items. The source code for figure 3.8 is taught in listing 3.4, Marchal pages 82-84. The source code for figure 3.11 is taught in listing 3.5, Marchal pages 89-93. Marchal and Muench are in the same field of endeavor, creating and manipulating electronic forms creation and data insertion into electronic forms. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Marchal

and Muench.

At the time the invention was made, it would have been obvious to one or ordinary skill in the art to combine the teachings of Marchal and Muench to create a form template that handles repeating data items for the obvious and beneficial purpose of expanding a form template such that it handles repeating data. The function of repeating data of Muench is merely an add-on enhancement to the basic teachings of the form template of Marchal.

Applicants argue that the references fail to show or suggest a "document generation control information in said data fields and a document processor for applying said control information in replacing template document data field placeholder items with desired data items to produce a generated document." See, Remarks, page 8. The Examiner disagrees. Marchal also teaches a source of document generation control information supporting insertion of the desired data items from an information repository. See, Marchal, pages 71-102, particularly pages 73-84, teaching code to generate insertion of desired data into data fields. Marchal also teaches a document processor for applying the control information in replacing template document data field placeholder items with desired data items to produce a generated document. See, Marchal, pages 71-102, particularly pages 73-84, teaching code to generate insertion of desired data into data fields. See also, Marchal, figure 7.8 and pages 209-214.

Marchal does not explicitly teach a repetition identifier indicating data fields to be replicated to provide a group of data fields to be replaced by a plurality of said desired data items.

Muench teaches identification, control, and rendering data fields with duplicate or repetitious data. See, Muench, pages 375-387, teaching sorting a grouping repeating data, and

pages 433-499, particularly pages 470-475, teaching managing and display of repeating data

fields. Marchal and Muench are in the same field of endeavor, creating and manipulating

electronic forms creation and data insertion into electronic forms.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to combine the teachings of Marchal and Muench.

At the time the invention was made, it would have been obvious to one or ordinary skill

in the art to combine the teachings of Marchal and Muench to create a form template that handles

repeating data items for the obvious and beneficial purpose of expanding a form template such

that it handles repeating data. The function of repeating data of Muench is merely an add-on

enhancement to the basic teachings of the form template of Marchal.

In response to dependent claim 2 and Appellant's arguments that the references fail to

show or suggest a "repetition identifier", the Examiner disagrees. Code for a repetition identifier

is clearly taught in Marchal, pages 71-102, and see also, figures 7.7 and 7.8, and pages 208-214,

teaching the identification of data fields in the template document available to be replaced by

desired data items.

In response to dependent claim 3 and Appellant's arguments that the references fails to

suggest a system involving a "location identifier" of a "first data item" "for insertion in said

individual data field of said group of data fields and data items sequentially linked to said first

data item are inserted in remaining data fields of said group of data fields" in which the "first

data item comprises an Extensible Markup Language compatible Xpath value" as recited in the

present claimed invention. The Examiner disagrees and points to Marchal, pages 330-336,

particularly 333-336, which teaches the utilization of Xpath to select elements in a source XML

document. The paths are very similar to paths on a file system. Elements are separated by the /character. The Appellant states the differences in the template coding of Marchal and the present invention by clarifying aspects of the invention, however, the language is not present in the dependent claim.

In response to dependent claim 4 and appellant's arguments that the reference fails to teach a system including 'a data source file associating data field names of said document template with a data location in an information repository, said data source file comprising at least one of (a) a comma delimited file and (b) a flat file.", the Examiner disagrees with the Appellant's arguments. Marchal provides tokenizing input files, which parse comma delimited, and flat files. See pages 165-194. On page 166, a tip is included in the Marchal reference which states 'XSL style sheets are less frightening than Java code for nonprogrammers. Furthermore, Marchal discloses RTF format and mentions office documents utilizing the same procedures.

In response to dependent claim 5, appellant argues that applicants argue that the references fail to show or suggest "conversion of an XML bookmark to RTF. See, Remarks, page 11. The Examiner disagrees. See, Marchal, pages 129-166, teaching conversion of XML document to RTF, inherently including conversion of XML bookmarks and repetition identifiers to RTF.

In response to dependent claim 6, appellant argues that the claimed arrangement advantageously enables use of word processing applications or RTF compatible document templates that is understandable by non-programmer in creation of a customized form by a non-programmer user. As presently claimed, the limitations do not preclude the utilization of a Marchal reference. Marchal discloses an easy to use programming tool, XSL style sheets, which

are less frightening than Java code for nonprogrammers. The requirement of understandability by non-programmers is not claimed. The elements of the claim are taught or suggested as cited in the rejections above.

In response to dependent claim 7, appellant argues that the references fail to show or suggest the elements of claim 7. See, Remarks, pages 11-12. The Examiner disagrees. The generation of the template document compatible with XSL is fully taught in the references. See, Marchal, pages 329-333 teaching XSL attributes in XML templates. See also, Marchal, pages 122-123, teaching use of XSL style sheets with an XML document.

In response to dependent claim 10, appellant argues that the references fail to show or suggest the elements of claim 10. See, Remarks, page 12. The Examiner disagrees and points out the generation of the template document in RTF and compatible with XSL is fully taught in the references. See, Marchal, pages 129-166, teaching XML and RTF files. See, also Marchal, pages 103-127, and 329-226 teaching generation of the document in XSL format.

In response to dependent claim 11, appellant argues that the references fail to show or suggest am XML parser to process said generated document in XSL format to provide a processed document in RTF format." See, Remarks, pages 12-13. The Examiner disagrees. See, Marchal, pages 168-194, teaching XML parsers. See also, Marchal, pages 129-166, and particularly 144-145, teaching XML document to RTF generation using XSL.

In response to dependent claim 12, appellant argue that the references fail to show or suggest the limitations of claim 12. Appellant argues further that there is no suggestion in the references to combine the teachings of the references. See, Remarks, page 13. The Examiner disagrees. Marchal, at pages 71-102, teaches links from information repositories to data fields

containing placeholder items in a form template. Marchal and Muench are in the same field of

endeavor, creating and manipulating electronic forms creation and data insertion into electronic

forms. It would have been obvious to one of ordinary skill in the art at the time of the invention

to combine the teachings of Marchal and Muench. At the time the invention was made, it would

have been obvious to one or ordinary skill in the art to combine the teachings of Marchal and

Muench to create a form template that handles repeating data items for the obvious and

beneficial purpose of expanding a form template such that it handles repeating data. The

function of repeating data of Muench is merely an add-on enhancement to the basic teachings of

the form template of Marchal.

In response to independent claim 13, appellants argue that the claim is patentable for the

reasons stated earlier in arguments in support of patentability of claims 1 and 6. The Examiner

disagrees. The elements of the claim are taught or suggested as cited in the rejection above.

Appellants argue further that the references fail to show or suggest "an image element enabling

User selection of a text processing application compatible document template." It is noted that

the limitation of a "text processing application compatible" document template was recently

added by amendment. See, Remarks, pages 13-14.The Examiner disagrees. The image generator

is implicitly shown by the images generated and taught in Marchal, figures 3.7-3.13,and page 71-

102. The limitation of a "text processing application compatible" document template is new

matter.

In response to dependent claim 14 and 15, appellants argue that the claim is patentable

for the reasons stated earlier in arguments in support of patentability of claims 1, 6, and 13. The

Examiner disagrees. The elements of the claim are taught or suggested as cited in the rejection

above.

In response to dependent claim 16, appellants argue that the references fail to show or

suggest a system in which the "step of merging is performed by at least one of (a) XSL

compatible code and (b) a mail merge application program." See, Remarks, page 15. The

Examiner disagrees. It is noted that the term "merging" is not found to be defined or discussed in

the specification. The Examiner believes the appellants intended the term to be defined as was

understood by one of ordinary skill in the art at the time of the invention, as follows: "To

combine two or more items, such as list, in an ordered way and without changing the basic

structure of either." See, "Microsoft Computer Dictionary," fifth edition, Microsoft Press, 2002,

definition of "merge." Merging parts of XSL compatible code is inherent in the use of XSL
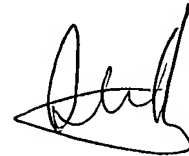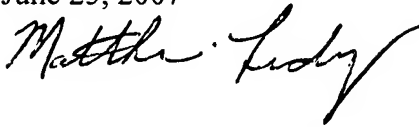
compatible code.

In response to dependent claim 17, appellants argue that the references fail to show or

suggest a system involving "receiving a selection of text processing application compatible

electronic document templates and receiving a selection of a source of the data items." The

Examiner disagrees. Claim 17 claims a method, not a system. Assuming that Applicants

intended to argue the method, it is noted as follows: Muench, pages 288-309, teaches creation

and uses of multiple electronic document templates. See also, Muench, pages 284-288, teaching

multiple source data inputs. This teaches a selection of text processing application compatible

electronic document templates and a selection of a source of the data items.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully Submitted

Matthew Ludwig

Assistant Patent Examiner

June 25, 2007

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Conferees

Stephen Hong

Supervisory Patent Examiner

Heather Herndon

Supervisory Patent Examiner